

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TIME SQUARE CONSTRUCTION, INC.,

Plaintiff,

v.

BUILDING AND CONSTRUCTION TRADES
COUNCIL OF GREATER NEW YORK,
ENTERPRISE ASSOCIATION OF
STEAMFITTERS LOCAL 638 OF THE UNITED
ASSOCIATION, CEMENT AND CONCRETE
WORKERS LOCAL 20 OF THE LABORERS
INTERNATIONAL UNION OF NORTH
AMERICA, UNITED BROTHERHOOD OF
CARPENTERS & JOINERS OF AMERICA LOCAL
608, LOCAL #46 METALLIC LATHERS UNION
AND REINFORCING IRONWORKERS OF NEW
YORK AND VICINITY OF THE
INTERNATIONAL ASSOCIATION OF BRIDGE,
STRUCTURAL, ORNAMENTAL AND
REINFORCING IRON WORKERS,
INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 14-14B, INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL
15D, AFFILIATED WITH THE AFL-CIO,
LABORERS LOCAL 79, A CONSTITUENT
LOCAL UNION OF THE MASON TENDERS
DISTRICT COUNCIL OF GREATER NEW YORK,
AFFILIATED WITH LABORERS
INTERNATIONAL UNION OF NORTH
AMERICA, MASON TENDERS DISTRICT
COUNCIL OF GREATER NEW YORK, DISTRICT
COUNCIL OF NEW YORK CITY AND VICINITY
OF THE UNITED BROTHERHOOD OF
CARPENTERS, JOINERS OF AMERICA, AFL-CIO
AND LOCAL UNION 3, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL WORKERS
AND TEAMSTERS LOCAL 282 A/W
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, AFL-CIO,

Defendants.
----- X

07 CIV. 7403 (Sullivan)

ECF CASE

ANSWER OF LOCAL
UNION NO. 3

Defendant LOCAL UNION NO. 3, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO (“Local 3”) represented by the undersigned, answering the Complaint, states:

1. Denies knowledge and information with respect to the allegations contained in paragraphs 4, 17, 18, 19, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, and 43.
2. Denies the allegations contained in paragraphs 27, 28, 29, 28, 40, 41, 44, and 45 of the Complaint with respect to Local 3, and denies knowledge with respect to the other defendants..

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim against defendant Local 3 upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff failed to state allegations against Local 3 with the requisite specificity.

THIRD AFFIRMATIVE DEFENSE

Local 3 did not engage in speech or conduct as set forth in the Complaint in violation of 29 U.S.C. §§ 158(b)(4)(i)(ii)(B), 29 U.S.C. § 187, or of any other law as alleged in the Complaint.

WHEREFORE, this Court should dismiss the Complaint against Local 3.

Respectfully submitted,

S/Norman Rothfeld
NORMAN ROTHFELD (NR 0639)
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CERTIFICATE OF SERVICE

The undersigned attorney certifies that one copy of the within Answer was served this day by mailing a true copy by first-class mail in an official depository of the U.S. Postal Service, addressed to:

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Dated: New York, NY
September 13, 2007

S/Norman Rothfeld
Norman Rothfeld (NR0639)